

| | | | |
|---|------------------------------------|--|--------------------------|
| INFORMATION DISCLOSURE STATEMENT | | ATTORNEY DOCKET NO. 70089.0009USD1 | |
| | | U.S. APPLICATION SERIAL NO. 09/961,086 | CONF. NO. 6592 |
| | | FILING DATE September 21, 2001 | |
| INVENTOR(S) Douglas D. Ross et al. | EXAMINER Susan Nmn Ungar | GROUP ART UNIT 1642 | |
| TITLE OF APPLICATION BREAST CANCER RESISTANCE PROTEIN (BCRP) AND THE DNA WHICH ENCODES IT | | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form PTO 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2) and § 1.98(d), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S. Patent and Trademark Office. For the Examiner's convenience Applicants note that each of items A-U was cited by the Examiner in the related application USSN 11/184,860. Further, each of items V-BB was cited in the pending European Opposition (item CC) to related European Patent No. 1054894.

As part of Applicants' Duty of Disclosure, specific reference is made to the recently filed Opposition to related European Patent No. 1054894. A copy of the Opposition as filed is enclosed (item CC). Further, each of the documents cited by the Opponents in the Opposition, that is not already of record, is listed on the Form 1449 and a copy of the document is being filed herewith.

No representation is made that a reference is “prior art” within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not “prior art.” Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

June 17, 2008

Date

/Drew Hissong/

Drew Hissong

Registration No. 44,765

P.O. Box 2903
Minneapolis, Minnesota 55402-0903
Telephone No. (202) 326-0300
Facsimile No. (202) 326-0778

23552

Patent & Trademark Office